IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE Mr. JUSTICE N.V. RAMANA

WRIT PETITION No. 24674 of 2004

Between:

1 Parimi Venkata Krishna Rao S/o Gangaraju
R/o Surapuvarigudem Buttaigudem Mandal, West Godavari District
2 Parimi SomaRAju S/o Gangaraju
R/o Surapuvarigudem Buttaigudem Mandal, West Godavari District
3 Parimi Venkata Rao S/o Gangaraju
R/o Surapuvarigudem Buttaigudem Mandal, West Godavari District
4 Parimi Ram Babu S/o Gangaraju
R/o Surapuvarigudem Buttaigudem Mandal, West Godavari District

..... PETITIONERS

AND

1 The Commissioner of Appeals and Chief Commissioner of Land Administration, Govt of A.P., Hyderabad.
2 Gadde Krishbna Mohan Rao S/o Gadde Satyam
R/o Buttaigudem Village & Mandal, West Godavari District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court will be pleased to issue a Writ, order or direction more particularly one in the nature of writ of Certiorari call for the records relating to and in connection with the impugned notice in CCLA's Ref. No. L2/300/2004, dt 1-11-2004 pending on the file of the 1st respondent and quash the proceedings in appeal as illegal, arbitrary, unconstitutional and in violation of Articles 14, 21 & 300 (A)of the Constitution of India.

Counsel for the Petitioner : Mr.P.JAGADISH CHANDRA PRASAD

Counsel for Respondent No.1: G.P. FOR LAND ACQUISITION

The Court at the stage of admission made the following :

ORDER:

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The second respondent herein filed an appeal before the first respondent under Section 9 of A.P. Schedule Areas Rythwari Settlement Regulations 2 of 1970 as against the petitioners herein and the same was numbered as CCLA's Ref No.L2/300/2004. Pursuant thereof, a notice dated 1-11-2004 was issued to the petitioners herein to appear in person or through a counsel on 10-11-2004. Questioning the said notice, on the point of jurisdiction, the present writ petition is filed.

Learned counsel for petitioners submitted that the first respondent has no jurisdiction to entertain the appeal as filed by the second respondent. It is also stated that there is no need for the petitioners to appear before the first respondent and the proceedings before the first respondent are not maintainable.

I am not inclined to accept the contentions raised by the learned counsel for petitioners, for the reason, the petitioners can very well appear before the first respondent and raise all their contentions, including the point of jurisdiction, by filing a memo or an affidavit. This Court at this stage cannot interfere with the matter and the writ petition is dismissed. However, the petitioners are at liberty to raise all their contentions including the point of jurisdiction before the first respondent. On filing any such memo/ affidavit, the first respondent is at liberty to consider the same and pass appropriate orders in accordance with law.

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N.V.RAMANA, J

Date: 30.12.2004

TVK/DA

To

1 The Commissioner of Appeals and Chief Commissioner of Land Administration, Govt of A.P., Hyderabad.

2 Two CCs to the G.P. for Land Acquisition, High Court Buildings, Hyderabad (OUT).

3 Two CD copies.